
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

TONYA KIM BLACKBURN

Plaintiff,

vs.

**UNITED STATES; MOAB FAMILY
MEDICINE; EVE MAHER-YOUNG, PA-
C; and DOE INDIVIDUALS 1 through 10,**

Defendants.

**ORDER AFFIRMING
MAGISTRATE ORDER**

Case No. 2:18-cv-00116-DAK

Judge Dale A. Kimball

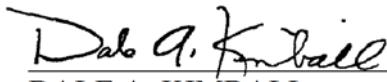
Before the court is Defendants' Objection to Magistrate Judge's Order of September 20, 2019. This case was referred to Magistrate Judge Furse pursuant to 28 U.S.C. § 636(b)(1)(A), which permits her to decide certain nondispositive matters, subject to being set aside by the district judge if the determination is "clearly erroneous or contrary to law." *See also* Fed. R. Civ. P. 72(a). "Under the clearly erroneous standard, the reviewing court [must] affirm unless it . . . is left with the definite and firm conviction that a mistake has been committed." *Allen v. Sybase, Inc.*, 468 F.3d 642, 658 (10th Cir. 2006) (internal quotation marks omitted) (quoting *Ocelot Oil Corp. v. Sparrow Indus.*, 847 F.2d 1458, 1464 (10th Cir. 1988)). Accordingly, a magistrate judge is afforded broad discretion in the resolution of nondispositive discovery disputes. "In sum, it is extremely difficult to justify alteration of the magistrate judge's nondispositive actions by a district judge." *Raytheon Co. v. Cray, Inc.*, No. 2:16-MC-898-DAK, 2017 WL 823558, at *2 (D. Utah Mar. 2, 2017) (unpublished) (quoting *Williams v. Vail Resorts Dev. Co.*, No. 02-CV-16-J, 2003 WL 25768656, at *2 (D. Wyo. Nov. 14, 2003) (unpublished)).

The court has reviewed the briefing filed in connection with Defendants' objection to the Magistrate Judge's Order along with the relevant motion and memoranda that were filed prior to

her Order. Specifically, Defendants take issue with the portion of the Order wherein the Magistrate Judge granted Plaintiff's request for costs and fees resulting from Plaintiff's discovery motions. Defendants, however, have not demonstrated that the Magistrate Judge's determination was either clearly erroneous or contrary to the law, and the Order appears to be within the Magistrate Judge's discretion. The court therefore concludes that there is no basis for rescinding or modifying the Order. Accordingly, the Magistrate Judge's Order, dated September 20, 2019, is AFFIRMED and ADOPTED as the order of the court.

Dated this 8th day of January, 2020.

BY THE COURT:



DALE A. KIMBALL
United States District Judge